

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 92-130 are now pending in the present application, new claims 95-130 having been added by the present Amendment.

It is noted that the Title of the invention has been changed by the present Amendment.

Claim Rejections – 35 U.S.C. §112

Claim 92 is rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness.

The Examiner asserts that the language regarding the display having low brightness by said liquid crystal display panel is performed using a low reflectance characteristic of said solar battery is confusing and indefinite because *“the specification lacks knowledge on how low brightness by the LCD is performed using a low reflectance characteristic of the battery.”*

Claim 92 has been amended to remove the language found to be indefinite by the Examiner. Claim 92 now recites “a display by said liquid crystal panel is performed using said solar battery as an absorbing plate.” Support for the language in amended claim 92 is provided, e.g., on page 41, lines 1-5 of the original specification.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejection under §112, second paragraph, are respectfully requested.

Claim Rejections – 35 U.S.C. §102

Claim 93 is rejected under 35 U.S.C. §102(b) as being anticipated by JP Patent 411119190A to **Sekiguchi**.

As will be discussed in detail below, the rejection over **Sekiguchi** is improper because **Sekiguchi** is not effective prior art against the present invention.

First, the rejection is improper under §102(b). 35 U.S.C. §102(b) states “A person shall be entitled to a patent unless the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, *more than one year* prior to the date of the application for patent in the United States.”

As discussed in the previous response, the present application is entitled to its International filing date, April 20, 1999, as the U.S. filing date. The publication date of the **Sekiguchi** reference is April 30, 1999. Thus, the publication date of the **Sekiguchi** reference is *after* the filing date of the present application, and is obviously *not* more than one year prior to the date of the application in the United States.

Second, the **Sekiguchi** reference does not qualify as prior art under any other section of 35 U.S.C §102. Specifically, **Sekiguchi** does not qualify as prior art under §102(a) because, as noted above, the filing date of the present invention is prior to the publication date of **Sekiguchi**.

Further, **Sekiguchi** does not qualify as prior art under §102(e). Under §102(e), U.S. patents, U.S. patent publications and International applications meeting certain requirements qualify as prior art *as of their filing date*. However, because **Sekiguchi** is not a U.S. patent or U.S. patent publication, the only possibility for it to qualify as prior art as of its filing date is if it

qualifies as prior art under §102(e) because there is a corresponding International application. However, the **Sekiguchi** reference is not based on an International application and therefore does not qualify as prior art as of its filing date.

The remaining sections of §102 are not relevant.

Therefore, **Sekiguchi** is not effective prior art against the present application because its effective date is after the filing date of the present application. Accordingly, the rejection of claim 93 under §102 is improper and should be withdrawn.

Claim Rejections – 35 U.S.C. §103

Claim 92 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP Patent 411119190A to **Sekiguchi**. Claim 94 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP Patent 411119190 to **Sekiguchi** in view of USP 6,268,558 to **Kubota**.

The rejections of claims 92 and 94 under §103 are improper for the same reasons set forth above with respect to claim 93.

Moreover, it is noted that although the effective date of the **Kubota** reference (its filing date, March 25, 1999) is prior to the filing date of the present application, the priority date of the present application (December 22, 1998) is prior to the effective date of **Kubota**. However, it is not necessary to rely on the priority date because the **Sekiguchi** reference is not prior art.

Accordingly, because the **Sekiguchi** reference is not prior art against the present application, the rejections under §103 are improper and should be withdrawn.

New Claims

New claims 95-130 have been added by the present Amendment. Each of new claims 95-130 depend either directly or indirectly from independent claim 92 and patentably distinguish over the currently cited prior art for the same reasons as claim 92.

Further, it is noted that new claims 95, 97-99, 100-102, 103, 104, 105, 106-108, 109-111 and 112 are similar to claims 51, 52, 53, 54, 55, 56, 57, 58, and 59, respectively, submitted in the Preliminary Amendment filed on June 21, 2001, except these claims recite a "liquid crystal display device" instead of a "timepiece." Support for new claim 96 is provided, e.g., on page 22, lines 7-10 and page 23, lines 3-10 of the original specification. Finally, it is noted that new claims 113-130 define the liquid crystal display panel as a liquid crystal display panel for a timepiece.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

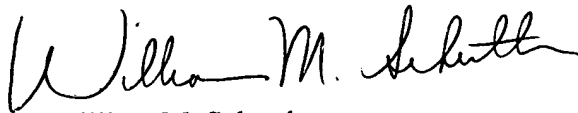
Application No. 09/857,208
Group Art Unit: 2841

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 010763

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "William M. Schertler". The signature is fluid and cursive, with the first name "William" being the most prominent part.

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